

**Tennessee Board of Architectural and Engineering Examiners
Board Meeting
Natchez Trace State Park
Wildersville, Tennessee**

October 19, 2007

Board Members Present

Bob Campbell, Professional Engineer
James Hastings, Registered Architect
Philip Lim, Professional Engineer
Dana Miller, Registered Interior Designer
David Schuermann, Registered Architect
William Stockard, Professional Engineer
Richard Thompson, Registered Architect
Brenda Wood, Public Member

Board Members Absent

John Love, Registered Landscape Architect

Associate Board Members Present

Dennis Henderson, Professional Engineer
Carlton Norris, Professional Engineer
Raymond White, Professional Engineer

Staff Present

Wayne Pugh, Legal Counsel
John Cothron, Executive Director
Wanda Phillips, Administrative Manager

Guest

Candy Toler, Tennessee Society of Professional Engineers/American
Council of Engineering Companies of Tennessee (TSPE/ACEC-TN)

CALL TO ORDER

Dana Miller, chair, called the meeting to order at 8:10 a.m. Roll call determined that a quorum was present.

Mr. White reported on Vanderbilt University's Accreditation Board for Engineering and Technology (ABET) visit, which he observed.

CONSENT AGENDA

Approval of Minutes (attached)

Mr. Stockard, seconded by Mr. Schuermann, moved to accept the minutes of the September 20, 2007 meeting as written. The motion passed unanimously.

Staff Complaint Report (attached)

Mr. Schuermann, seconded by Mr. Stockard, moved to accept the recommendation presented in the Complaints for Board Decision. The motion passed unanimously.

PROFESSIONAL SOCIETY REPORT

Ms. Toler, TSPE/ACEC-TN, reported that she is working with other groups on the retainage issue, delays in the State Fire Marshal's Office review of plans, and other government issues.

DIRECTOR'S REPORT

Mr. Cothron submitted the following report:

- I spoke to a Professionalism and Ethics class at Tennessee Tech on October 9 regarding professional licensure in Tennessee.
- I will attend the NCARB Member Board Executives Workshop in Arlington, VA (DC) on November 2-3, 2007.
- Dana Miller and I have received approval to attend the NCIDQ Annual Meeting in Seattle on November 9-10, 2007.
- Information Systems has developed a system to allow Board members to review applications and audits over the Internet. Following implementation of this system in the next couple of weeks, we will no longer mail applications and audits for review.
- The Board office may be moving at some point after January 2008 so that renovations can be made to the Davy Crockett Tower.
- The Board of Accountancy and the Board for Licensing Contractors have both recently undergone performance audits (in September 2007 and December 2006, respectively). In both audits, one of the findings was that the boards need to expedite complaint processing (process complaints within 180 days). The auditors also found that board members had not signed conflict-of-interest statements annually. At a meeting of the Government Operations Committee in which the Accountancy Board audit was discussed, committee members expressed concern about the excessive amount of money in the Board's reserve fund (about \$1.2 million).

Licensing Data was submitted (attached).

Complaint Data was submitted (attached).

Financial Data (attached)

Mr. Lim submitted and reviewed the financial report.

OLD BUSINESS

Action Items (attached)

Mr. Schuermann will meet with Thomas W. Smith regarding his allegations of conflicts among the International Building Code, Construction Specifications Institute (CSI), and the policies of this Board. The remaining action items taken from the September meeting were reviewed and the required action had been taken.

Establishment of Election Process Committee

Mr. Lim stated that we should adopt a formal process for choosing officers. A committee, composed of Philip Lim, John Love, Dana Miller, Richard Thompson, and

Brenda Wood, was established to study this issue. The committee asked that their first meeting be scheduled for Thursday, November 15, at 8:00 a.m.

Mr. Pugh advised that Board members cannot discuss Board issues outside of Board meetings, which would be a violation of the Open Meetings Act. He also mentioned that we must prove necessity to hold a teleconference.

Committee Responsibilities and Appointments

Ms. Miller dissolved the Special Committee on Promoting Accreditation and added Ms. Wood to the Continuing Education and Grants to Higher Education committees.

NEW BUSINESS

2008 Meeting Dates and Proposed Travel (attached)

Mr. Thompson, seconded by Mr. Lim, moved to approve the proposed 2008 calendar. The motion passed unanimously. Mr. Cothron was asked to plan the October meeting to be held at either Vanderbilt University (first choice) or the University of Memphis (second choice). The Board members stated their preference for bi-monthly meetings versus quarterly meetings.

Mr. Campbell, seconded by Mr. Thompson, moved to approve the proposed travel for fiscal years 2008 and 2009. The motion passed unanimously. Mr. Lim, seconded by Mr. Schuermann, moved to add an amendment to the original motion requesting that the Board be allowed to send representation to the NCEES Southern Zone meeting in Puerto Rico on May 1-3, 2008. The motion passed unanimously.

Application/Examination Deadline Dates (attached)

Mr. Campbell, seconded by Mr. Thompson, moved to approve the proposed application/examination deadline dates. The motion passed unanimously.

Break 9:10-9:30 a.m.

COMMITTEE REPORTS/ACTION ON ITEMS DISCUSSED

Interior Design Committee

Ms. Miller reported that the Interior Design Committee discussed the following issues:

- It was agreed that Board staff should confirm the registration of references.
- Ms. Miller will communicate concerns about Section 29 of the proposed "Interior Design Consumer Protection Act" to the Tennessee Interior Design Coalition (TIDC).
- It was agreed that another member of the Interior Design Committee (an architect or engineer) could serve as the alternate delegate at NCIDQ meetings.
- The committee discussed if IDEP should be required under the title act. Ms. Miller noted that it is difficult for interior designers to find NCIDQ-certified interior designers to work under.

Architect Committee

Mr. Schuermann reported that the Architect Committee discussed the following issues:

- The committee raised no objections to deleting “written” from T.C.A. § 62-2-504(a), and also deleting § 62-2-504(d) and (e) and T.C.A. § 62-2-507(b). Mr. Schuermann stated that he will study NCARB’s Model Law language to perhaps incorporate the rolling clock language into T.C.A. § 62-2-504(c), or perhaps rewrite the whole section to state that exams will be administered in accordance with NCARB policy.
- It was agreed that Board staff should confirm the registration of references.
- Mr. Schuermann reported that the National Certificate/Passport proposal was discussed at the NCARB Member Board Chairs’ Conference in Memphis. He stated that this proposal will be very difficult to implement. A proposal to require continuing education for NCARB certification was also discussed; this could conflict with AIA.

Special Committee on Promoting Accreditation

Ms. Miller noted that the Special Committee on Promoting Accreditation reported on newly created programs at the University of Tennessee at Knoxville and the University of Memphis. It was recommended that this committee be abolished since its purpose has been accomplished.

Grants to Higher Education Committee

Mr. Henderson reported that the committee revised the grant guidelines and the methodology for distribution of grant funds (attached). The committee agreed that programs with “provisional accreditation” would not be eligible for grant funds.

Mr. Campbell, seconded by Mr. Schuermann, moved to approve the revised grant guidelines and the methodology for distribution of grant funds. The motion passed unanimously. Ms. Wood proposed increasing the grants appropriation amount to \$300,000. Mr. Cothron was asked to study this proposal and consider other ways that the Board could utilize its reserve funds to benefit the professions and the public, such as offering continuing education courses in laws, rules and ethics; offering exam preparation materials; scholarships; and visiting schools.

Law and Rules Committee

The following issues were discussed by the Law and Rules committee:

- The committee supported amending rule 0120-1-.10(2) to add a statement that engineering experience must be gained by the time of application and must be earned following graduation. They also supporting adding a statement that experience must be supervised by a U.S.-registered professional engineer.
- The committee supported deleting “(six (6) weeks prior to the examination date)” from rule 0120-1-.17.

- The committee supported amending rule 0120-1-.09 to add the following sentence: “No reference will be considered if prepared more than two (2) years before the date of application.”
- The committee supported amending rule 0120-2-.08(3) to add a requirement for registrants to write their registration expiration date when sealing documents. The following language was suggested: “In addition, the registrant shall include a notation below the seal noting the certificate of registration expiration date.”
- It was decided not to pursue a law change requiring that complaints be submitted in writing and signed.
- The committee raised no objections to deleting “written” from T.C.A. § 62-2-504(a), and also deleting § 62-2-504(d) and (e) and T.C.A. § 62-2-507(b). Mr. Schuermann stated that he will study NCARB’s Model Law language to perhaps incorporate the rolling clock language into T.C.A. § 62-2-504(c), or perhaps rewrite the whole section to state that exams will be administered in accordance with NCARB policy.
- The committee decided to take no action on proposals to amend T.C.A. §§ 62-2-201 [to add another landscape architect and another interior designer to the Board] and 62-2-804 [to delete “written” from paragraph (a) and to delete paragraph (d)].
- The committee decided not to pursue a law change mandating construction administration.
- The committee agreed to further study a proposal to change the reference to the 1985 edition of the Standard Building Code (SBC) in T.C.A. § 62-2-102 to a more recent code, or to perhaps include the definitions in the statute itself. Mr. Schuermann agreed to compare the 1985 SBC with the 2003 International Building Code (IBC) and report at the next meeting. The committee decided not to pursue a proposal to exclude one-family and two-family dwellings over a certain size from the exemption.
- The committee did not support raising the \$25,000 expenditure amount in T.C.A. § 62-2-107.
- The committee discussed a proposal to amend T.C.A. § 62-2-201 to add another public member to the Board, as suggested by the last performance audit, and decided that one public member is adequate. It was pointed out that non-voting members should not be included in the total number of members when calculating the percentage of public members on the Board.
- The committee decided to take no action on a proposal to include a provision for a disability status in T.C.A. § 62-2-307(f).
- The committee recommended that T.C.A. § 62-2-308(c) be deleted since disciplinary action is listed on the department website and in Board newsletters. This will also reduce communications costs. Mr. Pugh suggested that this be requested through the department next year.
- The committee also discussed a proposal to amend T.C.A. §§ 62-2-601 and 62-2-602 to require firm registration. Mr. Cothron noted that, under the current system, firms are generally not keeping their firm disclosures up-to-date. Mr. Pugh suggested that he could draft rules requiring payment of a firm disclosure

fee and biennial renewal of firms, thus ensuring that disclosures are updated on a regular basis. Mr. Lim suggested that a statement could be added to the renewal forms for registrants noting that registrants should file a firm disclosure form if they are in responsible charge for their firm's practice.

- The committee discussed a proposal to amend the rules to clarify that even disclosure and agreement by the client does not allow a registrant to be paid by an equipment supplier for specifying a particular product (see NCARB resolution 07-5, attached). Concern was expressed that the interior design rule regarding specifying products and disclosure [Rule 0120-4-.10(16)] is too weak, and may need to be amended if the practice act passes; Ms. Miller agreed to communicate this to the TIDC. The committee endorsed adding "fully disclosed in writing," or similar language, to rules 0120-2-.05(1), (2), and (3). Mr. Pugh agreed to draft the rule changes.
- The Board members agreed to check the published Yellow Page listings in their areas to assist in title act enforcement.
- The committee supported the proposed policy on use of the title if registered in other jurisdictions (attached) after striking the sentence requiring that "Not licensed in Tennessee" be written or printed after the title. Mr. Schuermann, seconded by Mr. Thompson, moved to accept this policy as amended. The motion passed unanimously.
- The committee supported the adoption of the NCEES position statement on record/as-built drawings (attached), but asked staff to get input from the State Fire Marshal's Office (SFMO) on the proposed policy. It was agreed that landscape architecture should be removed from the policy. Staff will present a revised draft of the policy after consulting with the SFMO.
- A task force, composed of John Love, Dana Miller, Bill Stockard, and Richard Thompson, will study proposed changes to the Reference Manual. The task force will also study the relationship between T.C.A. § 62-2-107 and the Seal Exemptions policy and whether they conflict with one another. The Tennessee Board of Regents has asked the Board for assistance in determining what projects require a design professional. The task force asked Mr. Pugh for his assistance in addressing this issue.
- The committee decided not to pursue changes to the definition of responsible charge.

Engineer Committee

Mr. Lim reported that the Engineer Committee discussed the following issues:

- The committee has adopted a "wait and see" approach to the "bachelor's + 30" proposal. They will not take any action to implement the NCEES Model Law changes at this time.
- The committee is waiting on a proposal from the Land Surveyors Board on how to revise the delineation of engineering and surveying policy.
- It was agreed that Board staff should confirm the registration of references.
- The committee had no nominations for NCEES awards.

- The committee raised no objections to the Microbiologically Influenced Corrosion (MIC) note that the SFMO proposes to place on sprinkler drawing approval letters (attached). However, they suggested that the architects should review it, as well. The architects thought the language was acceptable, but asked Mr. Pugh to conduct research to confirm that the MIC waiver letter previously used by the SFMO is not identical to the Owner's Information Certificate referenced in the Standard of Care for Fire Sprinkler System Design.

Continuing Education Committee

Mr. Henderson reported that the Continuing Education Committee discussed the following issues:

- The committee will continue to monitor "in-house" and online activities and requiring an exam or other feedback component for distance education.
- Mr. Schuermann, seconded by Mr. Thompson, moved that the Continuing Education Committee study a proposal to allow credit for board/committee service and report to the full board.
- The committee discussed a draft health, safety and welfare (HSW) policy for engineers (attached). Mr. Henderson will revise the policy and ask for input from TSPE. Mr. Schuermann volunteered to obtain the American Institute of Architects' list of HSW topic areas to assist in developing HSW policies.
- The committee decided not to increase the HSW requirement at this time.

Publications Committee

Mr. Campbell reported that the Publications Committee discussed the following issues:

- The committee will review the Consumer's Guide and suggest revisions.
- The committee recommended that meeting minutes be placed on the Board website (without attachments). The names of individuals who are formally disciplined by the Board should be included in the minutes.
- The committee recommended that a list of disciplinary action should also be posted on the Board website. Disciplinary action should remain on the website listing for four (4) years.
- The committee was not in favor of including e-mail addresses for Board members on the website.
- Newsletters will continue to be printed and mailed to registrants who have not submitted an e-mail address.

Ms. Wood, seconded by Mr. Hastings, moved to print 19,000 copies of the law and rules for distribution to registrants and other interested parties, subject to approval by the Department of Commerce and Insurance.

Licensure Outreach Committee

Mr. Schuermann reported that the Licensure Outreach Committee recommended that a joint meeting be planned next year with architectural, engineering, landscape architectural, and interior design deans and program directors. The meeting may be held in November 2008 at the Tennessee Engineering Center. It was suggested that the deans/directors should be asked about how they are promoting licensure on their campuses; grants could also be discussed.

Landscape Architect Committee

The Landscape Architect Committee did not meet.

LEGAL CASE REPORT

Mr. Pugh did not have a legal case report.

Mr. Lim, seconded by Mr. Thompson, moved to adjourn. The motion passed unanimously.

The meeting adjourned at 11:10 a.m.

ATTACHMENTS

Minutes of September 20, 2007 meeting

Staff Complaint Report

Licensing Data

Complaint Data

Financial Data

Action Items from the September 20, 2007 meeting

2008 Meeting Dates and Proposed Travel

Application/Examination Deadline Dates

Guidelines for Administering Block Grants and Grant Distribution Methodology

NCARB Resolution 07-5

Draft Policy on Use of Title if Registered in Other Jurisdictions

Draft Policy on Record/As-Built Drawings

MIC Note from the SFMO

Draft HSW Policy for Engineers